

# SIKKIM



## GOVERNMENT

## GAZETTE

**EXTRAORDINARY  
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**No. 536**

**DEPARTMENT OF FOREST, ENVIRONMENT & WILDLIFE MANAGEMENT  
GANGTOK FOREST SECRETARIAT  
DEORALI, GANGTOK**

**NO.GOS/FEWMD/PR.SECY-cum-PCCF/118/**

**Dated: 23/09/2017**

### **NOTIFICATION**

#### **GUIDELINES FOR THE DISPENSING COMPENSATION FOR LIFE/PROPERTY LOSSES DURING HUMAN-WILDLIFE CONFLICT (HWC)**

In supersession of Notification No. 261/WLC/F/06/194 dated 26.12.2015, published in Extraordinary Gazette No. 485 dated 31.12.2015, except as respect things done or omitted to be done before such supersession, the State Government hereby makes the following guidelines, namely :-

#### **1. GENERAL :**

Whereas one of the key objectives of the State Forest, Environment and Landuse Policy 2000 consists of conserving the natural heritage of the State through conservation and preservation of natural forests of the State with vast variety of flora and fauna, which represents the remarkable diversity and genetic resources of the State;

And whereas in pursuance of this objective the State has been implementing measures to conserve wildlife and improve forest areas to provide a suitable habitat for important faunal species to flourish;

And whereas the conservation measures followed by the State have resulted in increase of wildlife populations which sometimes come into conflict with villagers who use forest areas for meeting their day to day needs;

Now therefore the State Government is hereby pleased to frame the following guidelines for expeditiously settling claims of compensation for loss of lives and property of villagers.

#### **2. FIRST INFORMATION REPORT (FIR) AND FIRST ASSESSMENT REPORT (FAR)**

- (1) Each territorial and wildlife range will maintain a Human Wildlife Conflict First information register in the format mentioned in **Annexure-I**.
- (2) On receipt of a complaint of wildlife depredation from either the Public, Panchayat, Government functionary, official or field staff of Forest Environment & Wildlife

Management Department the Range Officer concerned shall reduce it to writing if it is in verbal form and make entries in the Human Wildlife Conflict First Information Report register.

Provided that the complaint should be made within 15 days of the wildlife depredation.

- (3) The Range Officer shall then visit the field spot of wildlife depredation for which the complaint was made along with the Panchayat President or Secretary of the Panchayat concerned and the President of the Joint Forest Management Committee/ Eco-Development Committee in whose jurisdiction the depredation has occurred **within 24 hours of receiving the complaint**. He shall carry with him the First Assessment Report form mentioned below apart from other equipments required for assessment of damage.
- (4) After inspecting the damage if it is evident that it was caused by wildlife, the Range Officer shall fill-up the First Assessment Report (FAR) in the format in **Annexure-II** on the spot and submit a copy of the same to the victim of the wildlife depredation, one copy to the Panchayat President, one copy to the Joint Forest Management Committee/Eco Development Committee President and one to the DFO concerned.
- (5) The Range Officer shall fill-up a **Tentative Damage Assessment (TDA)** amount in the column provided for it in the First Assessment Report after arriving at a consensus regarding same with both the functionaries mentioned in clause (4) above and shall obtain their signatures on the same.
- (6) The Range Officer shall dispense **20%** of this Tentative Damage Assessment to the victim subject to a **maximum of Rs. 5,000/- (Rupees Five Thousand)** only immediately and acknowledgement of receipt of Tentative Damage Assessment compensation amount by the recipient shall be obtained on the First Assessment Report itself in the space provided for it.

### **3. ACTUAL DAMAGE ASSESSMENT (ADA) AND COMPENSATION DISBURSEMENT**

- (1). For Actual Damage Assessment (ADA) a team comprising of the following officials shall be constituted **within 48 hours** of receiving the First Assessment Report from the Range Officer in case the Tentative Damage Assessment amount is more than Rs. 10,000/-.
  - (a) The DFO or ACF in whose jurisdiction the depredation is being assessed.
  - (b) The Sub-Divisional Magistrate in whose jurisdiction the depredation is being assessed.
  - (c) The Veterinary Officer having jurisdiction **only** in case of livestock/domestic animal kills.
  - (d) The Agriculture Development Officer of Agriculture having jurisdiction **only** in case of crop damage.
  - (e) The Horticulture Development Officer of Horticulture Department or Division having jurisdiction **only** in case of cash crop damage.
  - (f) In case of human casualty the victim shall be provided medical treatment and compensation assessed and disbursed in consultation with an official of Health Department as per notification.

Provided that for amount less than Rs. 10,000/- the Divisional Forest Officer shall be the authority to decide and settle the Actual Damage Assessment.

- (2) The team constituted as above shall inspect the site of depredation and carry out the Actual Damage Assessment (ADA) in form given in Annexure III duly and fill up the compensation calculated in the column provided for the same in the Actual Damage Assessment form which shall be signed by all the officials mentioned in sub- clause (1).
- (3) The DFO shall dispense the Actual Damage Assessment (ADA) compensation calculated as provided in sub-clause (2) on the spot, subject **to a maximum of Rs.15000.00 (Rupees Fifteen Thousand)** only and obtain acknowledgement of the receipt of the compensation in the ADA form itself in the space provided for it. While disbursing the ADA compensation, the TDA amount paid earlier as immediate relief shall be adjusted.
- (4) Where the Actual Damage Assessment compensation amount is assessed to be greater than Rs.15000.00 (Rupees Fifteen thousand) only, the balance after payment of Rs. 15000.00 as provided for in sub-clause (3) shall be got approved by the Chief Wildlife Warden before it is disbursed not later than 2 weeks from the date of wildlife attack. The receipt for this is to be obtained in format provided in Annexure IV. If the compensation is more than Rs.25000/- the Conservator of Forests (Wildlife), if it is more than Rs.50000/- the Chief Conservator of Forests (Wildlife) and if it is more than Rs.1,00,000/- the Chief Wildlife Warden shall personally inspect the site and submit a report before the approval is granted.

#### **4. MAINTENANCE AND SUBMISSION OF ACCOUNTS:**

An imprest money of Rs. 1.00 lakhs shall be provided to the Wildlife DFO of each district in the form of a revolving fund, which he or she shall deposit in a saving bank account, especially opened for this purpose. The DFO concerned shall provide an advance to all the Range Officers under his charge, as deemed reasonable, keeping in view the history of Human-Wildlife Conflicts in the Ranges concerned.

#### **5. FUND MANAGEMENT:**

- (1) The Wildlife Divisional Forest Officers (DFO) of each district shall receive an imprest money of Rs. 1.00 lakhs in the form of a revolving fund.
- (2) All funds received by the Wildlife DFOs shall be deposited in the Saving Bank Account opened in any Nationalized Bank in their respective districts.
- (3) This Bank Account must be operated exclusively for dispensing compensation for life or property losses during human-wildlife conflict (HWC) and mobilization fund during incidences of Human-Wildlife Conflict (HWC) and Rescue operations.
- (4) The funds received by way of cheque or draft or e-transfer shall be entered in Cash Book to be maintained for this purpose, and should be deposited or confirmed latest by the next day.
- (5) The Bank Account shall be operated by the concerned DFO Wildlife.
- (6) The DFO wildlife shall draw up his accounts for payments made on monthly basis in the format provided in **Annexure V**. The balance sheet at Annexure V shall show the receipt of imprest and balance available. Any compensation payments made shall also be entered in the format at Annexure V.

- (7) The balance sheet shall be submitted to the Chief Wildlife Warden (CWLW) on half yearly basis through the Conservator of Forests (WL) or Director (KNP).
- (8) The interest accrued in the bank deposits and unspent balance that may be available on a financial year (as on 31<sup>st</sup> March) with Divisions, must be taken into consideration for the next financial year's plan.
- (9) The Divisions shall provide a Utilization Certificate annually to the CWLW through the Conservator of Forests (WL)/Director (KNP).

**6. ACCOUNTING PRINCIPLE:**

- (1) The mode of payment to the victims shall be done through online transfer of fund.
- (2) All books of accounts shall be maintained at the respective Division.
- (3) Receipts and Payments statement for Tentative Damage Assessment (TDA) amount and Actual Damage Assessment are to be maintained as per the format prescribed in notification.

**7. BOOK OF ACCOUNTS:**

The primary book of accounts to be maintained by the Divisions shall be as follows:-

- (1). Cash and Bank Book
- (2). General Ledger, Contingency Audit Register, Bill Register and Compensation Register

**8. AUDIT:**

All records, vouchers and documents relating to the payments made or released under this fund shall be preserved at the respective Divisions, for the purpose of audit.

**9. REPEAL AND SAVING:**

The Guidelines for Dispensing Compensation for Life/Property Losses during Human-Wildlife Conflict (HWC) notified vide ***gazette notification no.485 dated 31.12.2015*** stands repealed. Notwithstanding such repeal/supersession, anything done or any action taken under the said guidelines shall be deemed to have been done or taken under corresponding provisions of these guidelines.

**By order and in the name of the Governor.**

**Dr. Thomas Chandy  
PRINCIPAL SECRETARY-cum-PCCF  
FORESTS, ENV. & WILDLIFE MANAGEMENT DEPTT.**

**ANNEXURE- I**

HWC-FIR No. \_\_\_\_\_/

**HWC-FIRST INFORMATION REPORT**

Name of the complainant:

Age:

Sex:

Designation/posting place of complainant:

Residential address of complainant:

Name of victim:

Village/ place of residence of victim:

Date and time when wildlife attack happened:

Place of wildlife attack/location of damage:

Details of damage and wildlife attack:

**Signature of complainant**

ADA No. \_\_\_\_\_/

**ACTUAL DAMAGE ASSESSMENT FORM**

Name of victim:

Age:

Sex:

Father's name:

Village/ place of residence of victim:

Date and time when wildlife attack happened:

Place of wildlife attack/location of damage:

Type of wildlife which made the attack:

Number of wildlife that made the attack:

Evidence of wildlife (hoof mark, pug mark, pellets etc) attach photos.

Quantitative details of damage:

1. (a) Type of crop damaged \_\_\_\_\_  
(b) \_\_\_\_\_ nos. of crop damaged  
(c) Approximate value Rs. \_\_\_\_\_
2. (a) Type of crop damaged \_\_\_\_\_  
(b) \_\_\_\_\_ nos. of crop damaged  
(c) Approximate value Rs. \_\_\_\_\_
3. (a) Type of crop damaged \_\_\_\_\_  
(b) \_\_\_\_\_ nos. of crop damaged  
(c) Approximate value Rs. \_\_\_\_\_
4. (a) Type of livestock killed \_\_\_\_\_  
(b) \_\_\_\_\_ nos. of livestock killed  
(c) Approximate value Rs. \_\_\_\_\_

5. Type of livestock killed \_\_\_\_\_

(b) \_\_\_\_\_ nos. of livestock killed

(c) Approximate value Rs. \_\_\_\_\_

Total actual damage assessed: Rs. \_\_\_\_\_

Total actual damage assessment (ADA) compensation: Rs. \_\_\_\_\_

Total amount payable = ADA compensation - Amount paid as TDA: Rs. \_\_\_\_\_

Amount to be paid presently (if ADA compensation is more than Rs.15000/-): Rs. \_\_\_\_\_

Amount to be paid after approval of CWLW: Rs. \_\_\_\_\_

**Signature of Divisional Forest Officer:**

**Signature of Block Development Officer:**

**Signature of VO/AD:**

### **RECEIPT**

Received an amount of Rs. \_\_\_\_\_ Rupees \_\_\_\_\_)

only as actual damage assessment (ADA) compensation from Shri \_\_\_\_\_,

Divisional Forest Officer \_\_\_\_\_ Division.

**Signature/ thumb impression of victim on stamp:**

**RECEIPT FOR PAYMENT OF ADA COMPENSATION ABOVE RS.15000/-**

Received an amount of Rs. \_\_\_\_\_ (Rupees \_\_\_\_\_) only on  
account of actual damage assessment compensation balance payment pertaining to HWC-FIR/  
FAR/ADA No. \_\_\_\_\_ and approval of CWLW vide  
letter no. \_\_\_\_\_.

**Signature of victim**



**ANNEXURE V**

**BALANCE SHEET FOR RO/DFO FOR THE MONTH OF \_\_\_\_\_ YEAR \_\_\_\_\_**

Name of Division: \_\_\_\_\_

Closing balance of month \_\_\_\_\_ year \_\_\_\_\_ (last month): Rs. \_\_\_\_\_

Receipts from Head Office during the month: Rs. \_\_\_\_\_

Total Opening balance: Rs. \_\_\_\_\_

**Payments made during the month:**

NAME OF DIVISION	HWC-FIR/FAR/ADA No.	AMOUNT PAID (IN RS)
Total payments during the month:		

\* Division must submit copies of **HWC-FIR**, **FAR** and **ADA** for payments shown in the table above

